



CITY OF DURHAM | DURHAM COUNTY  
NORTH CAROLINA



ZONING MAP CHANGE REPORT

Meeting Date: April 1, 2013

Table A. Summary				
Application Summary				
Case Number	Z1200017		Jurisdiction	City
Applicant	The John R. McAdams Company, Inc.		Submittal Date	July 9, 2012
Reference Name	Forest at Duke		Site Acreage	5.26
Location	2801 Pickett Road, on the south side of Pickett Road opposite Lindenshire Drive			
PIN(s)	0810-06-39-9264, -49-3392 (partial)			
Request				
Proposed Zoning	Planned Development Residential 8.7000 (PDR 8.700)	Proposal	Expansion of The Forest at Duke Continuing Care Retirement Community: 10 – 20 units	
Site Characteristics				
Development Tier	Suburban Tier			
Land Use Designation	Medium Density Residential (6-12 DU/Ac.)			
Existing Zoning	Planned Development Residential 8.7000 and 0.000 (PDR 8.700 and PDR 0.000)			
Existing Use	Vacant			
Overlay	N/A	Drainage Basin	Jordan Lake	
River Basin	Cape Fear	Stream Basin	New Hope Creek, Sandy Creek	
Determination/Recommendation/Comments				
Staff	Staff determines that this request is consistent with the <i>Comprehensive Plan</i> and other adopted policies and ordinances.			
Planning Commission	Approval 11 – 0 on February 12, 2013. The Planning Commission finds that the ordinance request is consistent with the adopted <i>Comprehensive Plan</i> . The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.			
DOST	No comments			
BPAC	See Attachment 8, BPAC Memorandum			

## A. Summary

This is a request to modify the development plan associated with the existing zoning designation of a 5.26-acre site for an expansion of The Forest at Duke Continuing Care Retirement Community of 20 units (committed maximum). The site is located at 2801 Pickett Road, on the south side of Pickett Road opposite Lindenshire Drive (see Attachment

1, Context Map). This zoning request is consistent with the future land use map designation of the *Comprehensive Plan* as well as other adopted policies and ordinances.

Appendix A provides supporting information.

## **B. Site History**

The majority (5.23 acres of 5.26 acres) of the subject site is designated as PDR 8.700 as a portion of the Parc at University Tower on development plan P95-18, approved by City Council on July 17, 1995. That project was developed the following year with 186 apartments, leaving the subject site vacant but with the development potential of up to 20 dwelling units. The remainder of the subject site (0.03 acres) is designated as PDR 0.000 as part of the Forest at Duke Continuing Care Retirement Community, case P88-31 approved July 25, 1988.

The development plan associated with this request, case Z1200017, shows additional site access to the subject parcel, representing a significant change in site access from both development plans mentioned above. Thus, requiring a zoning map change to alter the proposed site access points shown on the existing development plans associated with this site. The proposed density of the site remains the same.

## **C. Review Requirements**

Planning staff has performed a sufficiency review for this Zoning Map Change request (reference UDO Sec. 3.2.4, Application Requirements [general] and 3.5.5, Application Requirements [for a Zoning Map Change]). This staff report presents the staff findings per Sec. 3.5.8, Action by the Planning Director, on the request's consistency with the Unified Development Ordinance and applicable adopted plans.

This review is based primarily on compliance with any applicable laws, plans, or adopted policies of the City Council. Any issues or concerns raised in this report are based on best professional planning practice unless they have a basis in adopted plans, policies, and/or laws.

## **D. Unified Development Ordinance (UDO) Compliance**

This request is consistent with the requirements of the Unified Development Ordinance. The associated development plan (see Appendix A, Attachment 4, Development Plan reduction) provides the required elements for zoning map change requests in the PDR district (Sec. 3.5.6.D and 6.11.3). In addition, commitments in excess of UDO requirements have been made (see Appendix D for supporting information):

**Text Commitments.** Text commitments have been proffered to commit to requirements in excess of ordinance standards. A summary of these commitments includes pedestrian and roadway improvements on Pickett Road; construction of turn lanes and four feet of additional asphalt for a bicycle lane.

**Graphic Commitments.** Graphic commitments include the general location of site access points and general location of tree preservation areas.

**Design Commitments.** This project will not have a singular architectural style. Committed architectural elements require that all homes will have covered porches and/or a stoop and a front facing entrance door with pitched rooflines. Exterior surface materials will include one or more of the following: 1) stucco, brick, stone, wood or cementitious siding, 2) masonry stucco, stone or cultured stone finish at foundation, and 3) glazing, painted or pre-finished wood, metal, fiberglass, or glazed residential doors, vinyl, aluminum or clad wood windows, flat stock trim at windows, corner posts and fascia, metal panels, metal down spouts, wood, fiberglass or wood composite columns, metal roofing, asphalt shingles, simulated slate roofing.

**Determination.** The requested PDR zoning district and associated development plan meets or exceeds the applicable requirements of the UDO. If this zoning map change request is approved, the attached development plan (Appendix A, Attachment 4) establishes the level of development allowed on the property.

## E. Adopted Plans

A zoning map change request must be consistent with the *Comprehensive Plan*. As such, other adopted plans have been included by reference in this document. Table E, Adopted Plans, in Appendix E identifies the applicable policies of the *Comprehensive Plan* and other adopted plans included by reference.

**Determination.** The requested zoning district and associated development plan is consistent with the Future Land Use Map and other policies of the *Comprehensive Plan*.

Conditions in other adopted plans have been identified (see Appendix E, Table E):

**Long Range Bicycle Plan Map 4.5.** A proposed bicycle lane is shown as a recommendation of the Long Range Bicycle Plan Map 4.5 along Pickett Road. The applicant is committing to providing a minimum of 4 feet of additional asphalt widening along the frontage of the site to satisfy this condition.

**New Hope Corridor Open Space Master Plan.** The site is within the *New Hope Corridor Open Space Master Plan* area; however, no specific recommendations have been made for this site.

## F. Site Conditions and Context

**Site Conditions.** This 5.26-acre site is located at 2801 Pickett Road (5.23 acres) and 2803 Pickett Road (0.03 acres), on the south side of Pickett Road opposite Lindenshire Drive. The site is vacant property between The Parc at University Tower apartment complex and The Forest at Duke Continuing Care Retirement Community. The site is mostly forested but is diagonally bisected by a remnant gravel road that connects The Forest at Duke Continuing Care Retirement Community to Pickett Road.

**Area Characteristics.** The site is adjacent to an established regional commercial node which consists of a shopping center, retail services, fast food establishments, offices with multi- and single-family residential also surrounding the site. The site is about ¼ mile from the proposed TTA corridor and rail station and a Suburban Transit Area (STA) is adjacent to the site on the west. The STA designates areas where development is encouraged to be supportive of transit and should be designed to be pedestrian-friendly.

Appendix F provides a summary of the uses and zoning in the more immediate vicinity of the subject site.

**Determination.** The proposed PDR 8.700 district and associated development plan meets the ordinance and policy requirements in relation to development on the subject site. Adding residential units in close proximity to a proposed transit station is beneficial to the future policy vision of this area.

## G. Infrastructure

The impact of the requested change has been evaluated to suggest its potential impact on the transportation system, water and sewer systems, and schools. In each case, the impact of the change is evaluated based upon a change from the most intense development using the existing land use and zoning to the most intense use allowed under the request.

See Appendix G for additional information.

**Determination.** The proposed PDR district and associated development plan is consistent with *Comprehensive Plan* policies regarding the infrastructure impacts of road, transit, utility, drainage/stormwater, schools and water supply. The proposal is not estimated to change any impact to traffic generation, student generation, or water capacity. The existing infrastructure has available capacity to meet these needs.

## H. Staff Analysis

This request is consistent with the *Comprehensive Plan* and other policies and ordinances. If the requested PDR zoning designation were approved, the development plan would further establish the development potential of the site considering the text and graphic commitments proffered.

## I. Contacts

Table I. Contacts		
<b>Staff Contact</b>		
Amy Wolff, Senior Planner	Ph: 919-560-4137, ext. 28235	Amy.Wolff@DurhamNC.gov
<b>Applicant Contact</b>		
Bob Zumwalt, The John R. McAdams Company, Inc.	Ph: 919-361-5000	zumwalt@johnrmcadams.com

## J. Notification

Staff certifies that newspaper advertisements, letters to property owners within 600 feet of the site and the posting of a zoning sign on the property has been carried out in accordance with Section 3.2.5 of the UDO. In addition, the following neighborhood organizations were mailed notices:

- Inter-Neighborhood Council
- Fayetteville Street Planning Group
- Friends of Durham
- Unity in the Community for Progress

## K. Summary of Planning Commission Meeting February 12, 2013 (Case Z1200017)

**Zoning Map Change Request:** Planned Development Residential 8.700 and 0.000 (PDR 8.700 and 0.000) to Planned Development Residential 8.700 (PDR 8.700).

**Staff Report:** Ms. Wolff presented the staff report.

**Public Hearing:** Vice Chair Jones opened the public hearing. Two spoke in support and none against. Vice Chair Jones closed the public hearing.

**Commission Discussion:** None.

**MOTION:** Approval of the Zoning Case Z1200017. (Mr. Harris, Ms. Beechwood 2<sup>nd</sup>).

**ACTION:** Motion carried, 11-0.

**Findings:** The Planning Commission finds that the ordinance request is consistent with the adopted *Comprehensive Plan*. The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.

## L. Supporting Information

Table K. Supporting Information		
Applicability of Supporting Information		
Appendix A	Application	Attachments: <ol style="list-style-type: none"> <li>1. Context Map</li> <li>2. Future Land Use Map</li> <li>3. Aerial Photography</li> <li>4. Development Plan Reduction</li> <li>5. Application</li> <li>6. Owner's Acknowledgement</li> <li>7. BPAC Memorandum</li> <li>8. Submittal and Review History</li> </ol>
Appendix B	Site History	N/A
Appendix C	Review Requirements	N/A
Appendix D	Unified Development Ordinance	Table D1: Designation Intent Table D2: District Requirements Table D3: Project Boundary Buffers Table D4: Summary of Development Plan
Appendix E	Adopted Plans	Table E: Adopted Plans
Appendix F	Site Conditions and Context	Table F: Site Context
Appendix G	Infrastructure	Table G1: Road Impacts Table G2: Transit Impacts Table G3: Utility Impacts Table G4: Drainage/Stormwater Impacts Table G5: School Impacts Table G6: Water Impacts
Appendix H	Staff Analysis	N/A
Appendix I	Contacts	N/A
Appendix J	Notification	N/A
Appendix K	Summary of Planning Commission Meeting	Attachments: <ol style="list-style-type: none"> <li>9. Planning Commissioner's Written Comments</li> <li>10. Ordinance Form</li> </ol>

## Appendix A: Application Supporting Information

Attachments:

1. Context Map
2. Future Land Use Map
3. Aerial Photography
4. Development Plan Reduction
5. Application
6. Owner's Acknowledgement
7. BPAC Memorandum
8. Submittal and Review History

## Appendix D: Unified Development Plan Supporting Information

Table D1. UDO Designation Intent	
<b>PDR</b>	<b>Planned Development Residential</b> - the <b>PDR</b> district is established to allow for design flexibility in residential development. A development plan is required with a request for this district, which shows a conceptual representation of the proposed site that indicates how the ordinance standards could be met. Any significant change to the development plan would require a new zoning petition. While PDR is primarily a residential district, other uses may be allowed under limited provisions of the ordinance.

Table D2. District Requirements – PDR			
	Code Provision	Required	Committed
<b>Minimum Site Area (acres)</b>	6.11.3.B.1	4	5.26
<b>Residential Density (maximum)</b>	6.11.3.C	Specified on plan	8.700 (DU/Ac.)
<b>Maximum Height (feet)</b>	6.11.3.C.3	35	35
<b>Minimum Street Yard (feet)</b>	6.11.3.E.1	15	15
<b>Minimum Open Space (%)</b>	6.11.3.F	17 (0.89 acres)	17 (0.89 acres)

Table D3. Project Boundary Buffers			
Cardinal Direction	Adjacent Zone	Required Opacity	Proposed Opacity
North	RS-10	N/A (right-of-way greater than 60 feet)	N/A
East	PDR 0.000	0/0	0
South	CG	0.2/0.8	0.8 (50 feet)
West	PDR 8.700	0/0	0

Table D4. Summary of Development Plan		
Components	Description	Development Plan Sheet
Required Information	<b>Intensity/Density.</b> 20 units	Cover, C-2
	<b>Building/Parking Envelope</b> has been appropriately identified.	C-2
	<b>Project Boundary Buffers</b> are appropriately shown.	C-2
	<b>Stream Crossing.</b> No streams on site.	N/A
	<b>Access Points.</b> Two (2) access points have been identified.	C-2
	<b>Dedications and Reservations.</b> None are required of this site.	N/A
	<b>Impervious Area.</b> 60% = 3.156 acres	C-2
	<b>Environmental Features.</b> None identified.	C-1
	<b>Areas for Preservation.</b> None.	N/A
	<b>Tree Coverage.</b> 20% (1.06 acres) as shown.	C-2
Graphic Commitments	Location of access points. Location of tree preservation area.	C-2

<b>Table D4. Summary of Development Plan</b>		
<b>Text Commitments</b>	<ol style="list-style-type: none"> <li>1. Maximum unit count – 20 units.</li> <li>2. At the time of site plan a submittal, a pedestrian connection will be provided from the existing sidewalk along the Pickett Road frontage, through the property and connecting to the existing section of Forest at Duke. Connection will occur either by providing a sidewalk along the connecting road at southern portion of the site, or by providing a connection to loop trail at southern portion of the site.</li> <li>3. Subject to approval by Durham Transportation and NCDOT at the time of site plan submittal, a crosswalk and appropriate curb ramps will be added on the west side of the intersection of Lindenshire Drive and Pickett Road to allow for pedestrian movement at this new intersection.</li> </ol> <p><u>Prior to the issuance of a Certificate of Occupancy:</u></p> <ol style="list-style-type: none"> <li>4. Construct a west-bound left-turn lane with adequate storage and appropriate tapers on Pickett Road at the proposed site access point.</li> <li>5. Construct a east-bound left-turn lane with adequate storage and appropriate tapers on Pickett Road at the proposed site access point.</li> <li>6. A minimum of 4 feet of additional asphalt (in addition to the proposed roadway improvements) will be provided for the full frontage of the site along the south side of Pickett Road. The additional asphalt widening will be provided to allow for a bicycle lane.</li> </ol>	Cover
<b>SIA Commitments</b>	None provided	N/A
<b>Design Commitments (summary)</b>	<p>There will not be one singular architectural style. All homes will have covered porches and/or stoops and a front facing entrance door with pitched rooflines.</p> <p>Exterior surface materials will include one or more of the following:</p> <ul style="list-style-type: none"> <li>-stucco, brick, stone, wood or cementitious siding</li> <li>-masonry stucco, stone or cultured stone finish at foundation</li> <li>-glazing, painted or pre-finished wood, metal, fiberglass, or glazed residential doors, vinyl, aluminum or clad wood windows, flat stock trim at windows, corner posts and fascia, metal panels, metal down spouts, wood, fiberglass or wood composite columns, metal roofing, asphalt shingles, simulated slate roofing.</li> </ul>	Cover

## Appendix E: Adopted Plans Supporting Information

Table E. Adopted Plans	
<b>Comprehensive Plan</b>	
Policy	Requirement
<b>Future Land Use Map</b>	<b>Medium Density Residential:</b> Land used primarily for residential development between six and twelve units per acre. <b>Suburban Tier:</b> Land uses that shall be allowed include Recreation and Open Space, Agricultural, Residential, Institutional, Commercial, Office, Research/Research Application, and Industrial.
<b>2.2.2b</b>	<b>Suburban Tier Land Uses:</b> Land uses that shall be allowed include Recreation and Open Space, Agricultural, Residential, Institutional, Commercial, Office, Research/Research Application, and Industrial.
<b>2.3.1b</b>	<b>Contiguous Development:</b> Support orderly development patterns that take advantage of the existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development within the Urban Growth Area.
<b>7.2.2d and 10.1.4c</b>	<b>Open Space Master Plans:</b> New Hope Creek Corridor Open Space Master Plan, April 1991 is adopted by reference.
<b>8.1.2j</b>	<b>Transportation Level of Service Maintenance:</b> Not recommend approval for any zoning map change which would result in the average daily trips exceeding 110% of the adopted level of service standards for any adjacent road, unless the impact on the adjacent roads is mitigated.
<b>8.1.4c and d</b>	<b>Development Review and the Adopted Bicycle Plans:</b> Review development proposals in relation to the 2006 Comprehensive Durham Bicycle Transportation Plan and the Bicycle Component of the most recent adopted Long Range Transportation Plan, and seek dedication or reservation of right-of-way or easements and construction of facilities in conformance with that Plan and Complete Street design standards.
<b>11.1.1a</b>	<b>School Level of Service Standard:</b> The level of service for public school facilities shall be established as a maximum enrollment of 110 percent of the system's maximum permanent building capacity, measured on a system-wide basis for each type of facility.
<b>11.1.1b</b>	<b>Adequate Schools Facilities:</b> Recommend denial of all Zoning Map amendments that proposed to allow an increase in projected student generation over that of the existing zoning that would cause schools of any type to exceed the level of service.
<b>Long Range Bicycle Plan</b>	
Map 4-5 shows a proposed bicycle lane along both Pickett Road.	
<b>New Hope Corridor Open Space Master Plan</b>	
The site is within the New Hope Corridor Open Space Master Plan area; however, no specific recommendations have been made for this site.	

## Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
North	Single family residential	RS-10	N/A
East	Multifamily residential	PDR 0.000	N/A
South	Commercial (Carpet One, Triangle Rent-a-Car, former Joe's Crab Shack)	CG	N/A
West	Multifamily residential	PDR 8.700	N/A

## Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts	
Pickett Road is the major road impacted by the proposed zoning change. There are no scheduled City of Durham or NCDOT roadway improvement projects in the area.	
Affected Segments	Pickett Road
Current Roadway Capacity (LOS D) (AADT)	14,100
Latest Traffic Volume (AADT)	3,900
Traffic Generated by Present Designation (average 24 hour)*	133
Traffic Generated by Proposed Designation (average 24 hour)**	133
Impact of Proposed Designation	0

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2009)

Pickett Road: 2-lane major city/county roadway with left-turn lanes

Source of Latest Traffic Volume: 2011 NCDOT Traffic Count Map

\*Assumption- (Max Use of Existing Zoning) – PDR 8.7: 20 apartments

\*\*Assumption- (Max Use of Existing Zoning) – PDR 8.7: 20 apartments

Table G2. Transit Impacts
Transit service is currently provided within one-quarter mile of this site along Pickett Road via DATA Route #5. However, transit service will no longer be provided within one-quarter mile of the site effective January 2013 with implementation of scheduled DATA route changes.

Table G3. Utility Impacts
This site is served by City water and sewer.

**Table G4. Drainage/Stormwater Impacts**

The impacts of any change will be assessed at the time of site plan review. The subject site is of sufficient size and shape to accommodate appropriate stormwater facilities that may be required at this time.

**Table G5. School Impacts**

The proposed zoning is estimated to generate six students. This represents a decrease of one student under the existing zoning. Durham Public Schools serving the site are Forest View Elementary School, Githens Middle School, and Jordan High School.

Students	Elementary School	Middle School	High School
<b>Current Building Capacity</b>	16,832	7,717	9,980
<b>Maximum Building Capacity (110% of Building Capacity)</b>	18,515	8,489	10,978
<b>20<sup>th</sup> Day Attendance (2012-13 School Year)</b>	16,150	7,212	9,476
<b>Committed to Date (January 2010 – December 2012)</b>	321	105	37
<b>Available Capacity</b>	2,044	1,172	1,465
<b>Potential Students Generated – Current Zoning*</b>	3	2	2
<b>Potential Students Generated – Proposed Zoning**</b>	3	2	2
<b>Impact of Proposed Zoning</b>	0	0	0

\*Assumption (Max Use of Existing Zone) – 20 single-family units.

\*\*Assumption (Max Use of Proposed Zoning) – 20 single-family units.

**Table G6. Water Supply Impacts**

This site is estimated to generate a total of 2,790 GPD if developed to its maximum potential with the proposed zoning district. This represents a decrease of 310 GPD under the existing zoning district.

<b>Current Water Supply Capacity</b>	37.00 MGD
<b>Present Usage</b>	26.96 MGD
<b>Approved Zoning Map Changes (January 2010 – December 2012)</b>	0.69 MGD
<b>Available Capacity</b>	9.35 MGD
<b>Estimated Water Demand Under Present Zoning*</b>	3,100 GPD
<b>Potential Water Demand Under Proposed Zoning**</b>	3,100 GPD
<b>Potential Impact of Zoning Map Change</b>	0

Notes: MGD = Million gallons per day

\*Assumption (Max Use of Existing Zone) – 20 single-family units.

\*\*Assumption (Max Use of Proposed Zoning) – 20 single-family units.

## **Appendix K: Summary of Planning Commission Meeting**

Attachments:

9. Planning Commissioner's Written Comments
10. Ordinance Form